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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,347	02/14/2004	Tsai-Cheng Hsu	04121-URS	8224

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SUPREME PATENT SERVICES
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EXAMINER


WARD, JOHN A

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/779,347	HSU, TSAI-CHENG	
	Examiner	Art Unit	
	John A. Ward	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al.

Regarding claim 1, Chen et al ('228) discloses a solid state light source for use in a current lamp socket having light bulb head 14, a case 12, a light bulb cover 18, an LED unit 20, an electronic control board (figure 9), electrical wires 46, 114, 116, a power supply circuit 40, a control circuit 84, a LED circuit 70, 72 and a four-way switch 106 which detects changes from the four-way switch.

Regarding claims 2, 3 and 4 the switch 106 of Chen et al is used to provide control power input to the LED light bulb (column 7, lines 8-21).

Regarding claim 5, the bulb of Chen et al has a bulb head 1 that is compatible with conventional light bulbs (figures 6 and 8).

Regarding claim 6 and 7, the bulb of Chen et al comprises a plurality of light emitting diodes 24.

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Regarding claim 12 Chen et al show that the bulb cover 18, has a spherical shape (figure 1).

Regarding claims 13 and 15 Chen teaches in column 4, lines 50-57 that the bulb head is either glued or screw shape.

Regarding claim 14, the light bulb is 3U shaped (figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al ('228) as applied to claim 1 above, and further in view of Stimac et al and in view of Stackpole (US 4,384,317).

Regarding claims 8-11 Chen et al discloses all the limitations of the claimed invention, but does not disclose a control circuit.

Regarding claims 8 and 11, Stackpole ('317) discloses a solar power lighting system having a timer circuit 126 to provide a means of flashing a light source.

Regarding claims 9-11, Stimac et al ('999) discloses a LED based modular light having a plurality of light emitting diodes 16, a luminance control circuit and color control circuit (column 8, lines 8-19).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the light source of Chen et al, along with the flashing circuit of Stimac et al and the luminance and color control circuit in order to provide a light source that can be used with light emitting diodes and operate under different power source as taught by Stimac et al (column 4, lines 26-31).

Response to Arguments

Applicant's arguments filed October 31, 2005 have been fully considered but they are not persuasive. The applicant argues on page 7 that the prior art does not teach a **"a control circuit capable of detecting changes of on-and-off flip signals from a switch"**, the applicant discloses in the specifications on page 5 that the switch is a conventional switch 6, such is the switch of Chen et al 106 a four-way switch capable of on-off signals from the control circuit which provides ac current to the full-wave rectifier 88 converting AC voltage to DC voltage and supplying DC voltage to the LED circuit. It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138. Therefore the

prior art or Chen et al does disclose all the limitations of claimed invention as cited by the applicant and the rejection stand.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW
January 4, 2006



JOHN ANTHONY WARD
PRIMARY EXAMINER